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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

DEC -9 2011

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

DOCKETED BY

ne

RAYE STILES

DOCKET NO. E-01933A-11-0350

Complainant,

vs.

DECISION NO. 72713

TUCSON ELECTRIC POWER COMPANY

Respondent

ORDER
(Dismissal with Prejudice)

Open Meeting
December 1, 2011
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On September 15, 2011, a formal Complaint brought by Raye Stiles against Tucson Electric Power Co. ("TEP") was docketed with the Commission.

2. On September 16, 2011, the Commission's Docket Control sent the Complaint to TEP via certified mail.

3. On September 22, 2011, the Commission's Docket Control received from the Complainant the original and 13 copies of a document entitled "Motion for Specific Performance."

4. By Procedural Order dated September 23, 2011, the Complainant was informed: 1) that the Motion for Specific Performance could not be docketed as filed; 2) how to correct the deficiencies; and 3) that upon correction of the deficiencies, a motion could be filed.

9 7. By Procedural Order dated October 17, 2011, TEP was granted an extension of time to
10 file its Answer until 20 days after the parties determined that settlement was not possible.

14 9. Under the settlement agreement, TEP agrees to forgo Ms. Stiles' disputed debt in the
15 amount of \$332.41 for the address 734 Roger Road, #201, Tucson, Arizona. Beginning with the
16 October 20, 2011, billing statement, Ms. Stiles and Mr. Henry agree to make four monthly
17 installment payments of \$51.21 (totaling \$204.85) for the August 2011 billing and reconnection fee
18 for address 2018 N. Tucker Dr., Tucson, Arizona, and to make timely payment in full on future
19 monthly billings. Ms. Stiles acknowledges that if she fails to make the installment payments, or fails
20 to make timely payments in full on all future monthly billings, she will be subject to disconnection.
21 Ms. Stiles agrees to dismissal of the Complaint with prejudice.

24 CONCLUSIONS OF LAW

27

DECISION NO. 72713

1 2. The Commission has jurisdiction over TEP and the subject matter of the Complaint.

2 3. Notice of the proceeding was provided in accordance with applicable law.

3 4. The consensually negotiated Settlement Agreement attached hereto as Exhibit A,
4 resolves the issues raised in the Complaint in a fair and reasonable manner, and it is in the public
5 interest to approve the settlement agreement and dismiss this Complaint with prejudice.

6 **ORDER**

7 IT IS THEREFORE ORDERED that the Settlement Agreement entered into by Raye Stiles,
8 Tyrone Henry and Tucson Electric Power Company, attached hereto as Exhibit A, is approved.

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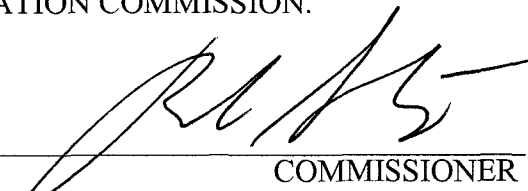
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IT IS FURTHER ORDERED that the Complaint filed by Raye Stiles against Tucson Electric Power Company is dismissed with prejudice as provided in the Settlement Agreement.

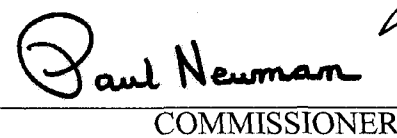
IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

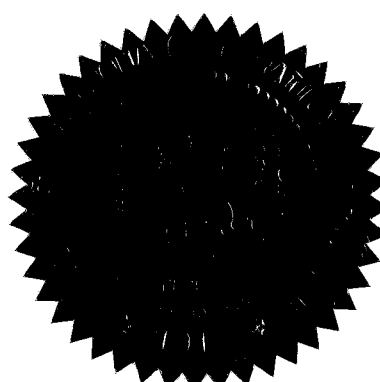

CHAIRMAN


COMMISSIONER

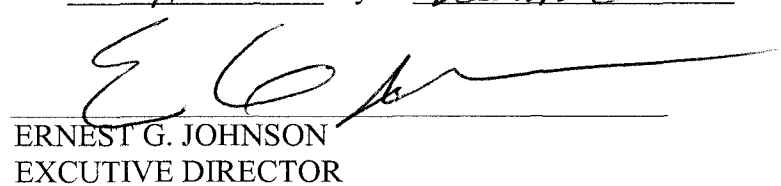

COMMISSIONER


COMMISSIONER


COMMISSIONER



IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 9th day of December 2011.


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR:

TUCSON ELECTRIC POWER COMPANY

2 DOCKET NO.:

E-01933A-11-0350

3 Raye Stiles
4 2018 North Tucker Drive
5 Tucson, AZ 85716

6 Michael W. Patten
7 ROSHKA DEWULF & PATTEN, PLC
8 One Arizona Center
9 400 East Van Buren Street, Suite 800
10 Phoenix, AZ 85004
11 Attorneys for TEP

12 Bradley S. Carroll, Esq.
13 TUCSON ELECTRIC POWER COMPANY
14 One S. Church Ave, Suite 200
15 Tucson, AZ 85701

16 Janice Alward, Chief Counsel
17 Legal Division
18 ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Steven M. Olea, Director
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, Arizona 85007

EXHIBIT A

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into by and between Tyrone Henry ("Henry"), Raye Stiles ("Stiles") and Tucson Electric Power Company ("TEP")(collectively, the "Parties").

Recitals.

A. On or about September 13, 2011, Henry filed a Complaint against TEP with the Arizona Corporation Commission ("ACC") in Docket No. E-01933A-11-0346 (the "Henry Docket").

B. On or about September 15, 2011, Stiles filed a Complaint against TEP with the ACC in Docket No. E-01933A-11-0350 (the "Stiles Docket")(together with the Henry Docket, the "ACC Dockets").

C. TEP denies the allegations asserted and denies any liability for any claims asserted in the ACC Dockets.

D. On September 30, 2011, the Parties participated in a call with ACC Staff to discuss settlement of the ACC Dockets. As a result of that call, the Parties enter into this Agreement to fully resolve the disputes and claims contained within the docketed complaints as expressly provided herein.

TERMS AND CONDITIONS:

1. TEP agrees to forgo Henry's disputed debt in the amount of \$367.75 (from TEP account number 4305544122 for address 455 W. Kelso St., Apt. #121, Tucson, AZ 85705.)
2. TEP agrees to forgo Stiles' disputed debt in the amount of \$332.41 (from TEP account number 4234485731 for address 734 E. Roger Road, #201, Tucson, AZ 85709).
3. Henry and Stiles agree to make four (4) monthly installment payments in the amount of \$51.21 for the August billing statement and reconnection fee totaling \$204.85 beginning on the October 20, 2011 billing statement (for TEP account number 0315518716 for address 2018 N. Tucker Dr., Tucson, AZ 85716).
4. Henry and Stiles agree to make timely payments in full on future monthly billing statements.
5. Henry and Stiles acknowledge that if they fail to make the payments set forth in Paragraph 3 above or if they fail to make timely payments in full on all future monthly billings, they will be subject to disconnection.
6. Henry and Stiles agree to the dismissal with prejudice of the ACC Dockets. Upon execution of the Settlement Agreement, the Parties agree that TEP will file the Motions

Page One of Two *RLS*

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to Dismiss, attached hereto as Exhibit A, and that neither Stiles, nor Henry, will oppose said motions.

TYRONE HENRY

By [Signature]
Date 04 25, 2011

RAYE STILES

By [Signature]
Date October 25, 2011

TUCSON ELECTRIC POWER COMPANY

By [Signature]
Its Chief Customer Officer - VP
Date 10-31-11

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[Signature]